THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO.3278 OF 2006

DATED: 23-02-2006

BETWEEN:

A. Ramanaiah, S/o. Subbarayudu

And three others … Petitioners

and

The Joint Collector, Kadapa,

Kadapa District

And two others … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 3278 OF 2006

ORDER:

Petitioners filed this writ petition seeking to declare the inaction of the 1st respondent in not considering the stay petition filed by the petitioners along with the appeal filed against the proceedings of the second respondent in Ref.No.B/419/2005 dated 15-11-2005 as illegal and arbitrary.

Heard the learned counsel appearing for the petitioners and the learned Government Pleader for the respondent and perused the material on record.

Learned counsel for the petitioners submitted that originally, one Kondugundia Chinna Narasaiah was the assignee of government land to an extent of Ac.4.78 cents in survey No.228 situated at Gopavaram village. It is stated that the

sons of the said Chinna Narasaiah sold the said land to one R. Nagabhushanam, violating the conditions of assignment of DKT patta. Hence, the third respondent had issued notices to the original assignee and the purchaser. When both the assignee and the purchaser failed to submit their explanations for the notices issued to them, the third respondent issued proceedings vide Ref.B.900/2001, dated 10-05-2003 resuming the land to the Government duly canceling the DKT patta to the original assignee. Challenging the orders of the 3rd respondent, the said R. Nagabhushanam filed an appeal before the Revenue Divisional Officer, Rajampeta and the said appeal was disposed of by the 2nd respondent in his proceedings in Ref.No.B/419/2005 dated 15-11-2005 setting aside the order of the Mandal Revenue Officer, dated 10-05-2003. It is stated that a part of the assigned land being used as burial ground by the villagers of Gopavaram and certain part was used for the Check Dam. As the petitioners being interested in the burial ground, aggrieved by the orders of the 2nd respondent, filed an appeal before the Joint Collector-1st respondent herein, in the month of January, 2006 along with an application for grant of stay. It is stated that neither the said application has been considered nor the appeal has taken up for hearing by the 1st respondent. It is the contention of the petitioners that the order of the Revenue Divisional Officer is illegal, unsustainable and once the assigned land is sold, that sale becomes null and void as per the provisions of Sections 3(1) and (2) of the A.P. Assigned lands (Prohibition of Transfer) Act, 1977. But the Revenue Divisional Officer, 2nd respondent herein basing on irrelevant and extraneous contentions, set aside the order of the 3rd respondent without any justification whatsoever.

Having regard to the facts and circumstances of the case, the 1st respondent is directed to consider and dispose of the appeal after hearing the said R. Nagabhushanam, the third respondent in the appeal as well as the stay application as expeditiously as possible, preferably within four weeks from the date of receipt of a copy of this order.

Writ petition is disposed of accordingly. No order as to costs.

V. ESWARAIAH, J.

Dated: 23-02-2006

RNS